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April  
March 28, 2020

Honorable Members of the West Hartford Town Council  
Town of West Hartford  
Town Hall, 50 South Main Street  
West Hartford, CT 06107

***RE: Application for Modifications to Special Development District No.3, 1126-1148 New Britain Avenue, West Hartford, Connecticut***

Dear Mayor and Honorable Members of the Town Council:

Application is hereby filed for Modifications to Special Development District No. 3 for property known as Elmwood Shopping Center or Elmwood Plaza located at 1126-1148 New Britain Avenue (the "Plaza"). The applicant and owner of the Property is Hare Associates LLC ("HARE"). The last modification of this Special Development District was approved by the Town Council on January 7, 2013, when the Council approved the conversion of about 3,200 square feet of the Plaza from retail use to restaurant use for a Pepe's Pizza. At that time, the Council also approved a parking requirement for the Plaza of 259 spaces.

The purpose of this application is to allow the conversion/expansion of approximately 4109 of existing space from retail use to retail and/or service use and another 1701 square feet of unoccupied space to the same use. This request will not necessitate any changes to the existing approved site plan. As a result of this change of use, the number of parking spaces required for the Plaza by the parking regulations is 296. The Plaza has 261 existing spaces<sup>1</sup> which is the capacity of the site. By this application, the Applicant seeks a waiver of the spaces required by the regulations which are in excess of the existing number of spaces. As explained in the attached parking analysis from the engineering firm of Fuss & O'Neill, the existing parking is more than sufficient to accommodate the parking demand generated by the Plaza. This is primarily because the

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<sup>1</sup> Two additional spaces have been striped since 2013.

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peak parking demand for the restaurant uses occurs at a different time than for the retail/service uses. Moreover, the Plaza has never experienced a parking shortage since its inception in the mid-1950's.

Since the underlying zone of the Plaza is BC, the Applicant also requests that the Plaza be treated in the same manner as any other property in that zone pursuant to Section 177.32(i)(2)(e). That section provides that "changes in allowable uses may occur in the existing gross floor area of buildings in the BC District and CBDH District without the provision of additional parking as may otherwise be required".

The application also seeks approval for a new façade on the west wall of the Plaza as well as a new fence along the west property line.

Finally, the Applicant requests that outdoor dining be allowed as a permitted use throughout the Plaza subject to the provisions of Section 177 Attachment 2:2 No. 17 of the Zoning Regulations (administrative approval for less than 5 tables, 4 chairs per table) and Section 177 Attachment 2:2 No. 11 of the Regulations (Special Use Permit for 5 tables or more, 4 chairs per table). Without this modification, the Applicant would be required to obtain a Special Development District modification for each restaurant space for which outdoor dining approval may be sought

The applicant has met with the Town's professional staff and has resolved all technical issues.

**Neighborhood Outreach.** The applicant intends to meet with the Elmwood Business Association to discuss the plans as well as immediate neighbors. A detailed report on outreach efforts will be provided subsequently to the Council.

**Findings.** The requested modifications to the special development district are appropriate for the Property for the following reasons:

(1) The plan as proposed is in harmony with the overall objectives of the Comprehensive Plan and the specific intent of the zone;

(2) The proposed plan is superior to one possible under the regular standards of the Town's zoning regulations; and

(3) The plan will clearly be in harmony with the actual or permitted development of adjacent properties. There will be no deleterious change in the character of the surrounding neighborhood.

April

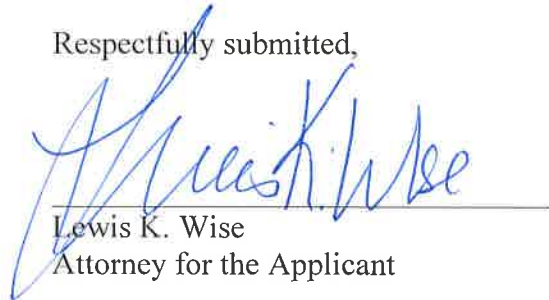
Honorable Members of the West Hartford Town Council

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The Proposed Ordinance, application fee and information required pursuant to Section 177-44 of the Zoning Ordinance are enclosed.

Respectfully submitted,



Lewis K. Wise

Attorney for the Applicant

List of Enclosures:

Exhibit A	Application letter from owner of Premises
Exhibit B	Description of Premises
Exhibit C	Proposed Ordinance
Exhibit D	Affidavit of Interest
Exhibit E	Description of Proposed Use
Exhibit F	Sewer Adequacy Letter
Exhibit G	Parking Report

**EXHIBIT A**

March \_\_, 2020

Honorable Members of the West Hartford Town Council  
Town of West Hartford  
Town Hall, 50 South Main Street  
West Hartford, CT 06107

***Re: Application for Modifications to Special Development District No. 3,  
1126-1148 New Britain Avenue, West Hartford, Connecticut***

Dear Mayor and Honorable Members of the Town Council:

Hare Associates LLC is the sole owner of property known as Elmwood Shopping Center, 1126-1148 New Britain Avenue, West Hartford, Connecticut. This letter is being provided for the sole purpose of meeting the requirements of Section 177-44(c)(1) of the West Hartford Zoning Regulations requiring written "application" by all of the property owners.

Respectfully submitted,  
HARE ASSOCIATES LLC

By: 

Its Manager

## **EXHIBIT B**

### **DESCRIPTION OF PREMISES**

(see Exhibit C)

## EXHIBIT C

### An Ordinance Amending An Ordinance Establishing Zoning Regulations of the Town of West Hartford

#### BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD:

That the boundaries and districts shown on the Building Zone Map entitled "REVISED ZONING MAP, TOWN OF WEST HARTFORD, CONNECTICUT", which map is on file in the Town Clerk's Office of the Town of West Hartford, Connecticut, be and is hereby amended as follows:

The Special Development District Plan for 1126-1148 New Britain Avenue (Parcel) and as amended, is hereby amended pursuant to the provisions of Section 177-44 of the Code of West Hartford, Connecticut in accordance with a set of plans comprised of a survey entitled: "HARE Associates, Proposed site Modifications, Elmwood Shopping Center, West Hartford, Connecticut, #STP-001" prepared for HARE Associates, LLC date stamped October 3, 2007 scale 1"=30' sheet No. 2 of 5 Fuss & O'Neil, 146 Hartford Road, Manchester, Connecticut 06040 and associated plans and elevations entitled "Amendment to Special Development District #3, SDD #3-R1-09 For Proposed Outdoor Dining 1128b New Britain Avenue, West Hartford, Connecticut 06011 Application March 16, 2009" prepared by UrFoRm, LLC, 25 Westborough Drive, West Hartford, Connecticut 06107 submitted herewith, Proposed Amendment to Special Development District #3 to utilize 332 square feet of sidewalk in front of and adjacent to Elements Bistro for seasonal outdoor dining and to perform associated building and site improvements, approved by the West Hartford Town Council and filed on the West Hartford Land Records. Said 1128b property is located within Special Development District #3 which is more particularly bounded and described as follows:

#### PARCEL:

A certain piece or parcel of land situated in the Town of West Hartford, County of Hartford and State of Connecticut, being shown on a map entitled "Talcott Junior High School Property Dated 4/15/80 Revised 9/22/80, Revised 10/23/80 1"=100', Job No. 12-80 Patsy B. DelMastro, Land Surveyor", which map is on file in the Engineering Office of the Town of West Hartford, which property is more bounded and described as follows:

Beginning at a point in the north street line of New Britain Avenue, which point is twenty-eight and sixteen one-hundredths (28.16') feet westerly along an arc to the left having a radius of five hundred forty two and sixty-nine one-hundredths (542.69') feet from a point of reverse curve. The point of reverse curve being marked by a West Hartford Highway Bound merestone at the end of the street line return at the northwest corner of New Britain Avenue and Quaker Lane South;

THENCE N  $0^{\circ} - 15' - 49''$  E, a distance of two hundred twenty-nine and fifty-eight one-hundredths (229.58') feet to a point;

THENCE N  $73^{\circ} - 35' - 16''$  W, a distance of one hundred seventeen and twenty-five one-hundredths (117.25') feet to an angle point;

THENCE S  $89^{\circ} - 16' - 06''$  W, a distance of two hundred forty-four and eighty-seven one-hundredths (244.87') feet to an angle point;

THENCE S  $81^{\circ} - 34' - 56''$  W, a distance of four hundred twenty-five and seventy-nine one-hundredths (425.79') feet to a point, which marks the southwest corner of property now or formerly of the Town of West Hartford and being known as the Talcott Junior High School property; thence running S  $0^{\circ} - 37' - 03''$  E, a distance of two hundred twenty-two and five one-hundredths (222.05') feet to a point in the north street line of New Britain Avenue; thence running N  $81^{\circ} - 34' - 56''$  E along said north street line of New Britain Avenue, a distance of four hundred seventy-three and no one-hundredths (473.00') feet to a point; thence continuing along said north street line of New Britain Avenue in the arc of a curve to the right having a radius of five hundred forty-two and sixty-nine one-hundredths (542.69') feet, a distance of three hundred fifteen and eleven one-hundredths (315.11') feet to the point or place of beginning.

## EXHIBIT D

### AFFIDAVIT OF INTEREST

The undersigned, being duly sworn, hereby deposes and says:

The names of any person, firm or corporations having a direct or indirect interest in a personal or financial sense in the application by Hare Associates LLC for modifications to a Special Development District No. 3 for property located at 1126-1148 New Britain Avenue, West Hartford, Connecticut are:

- (1) Hare Associates LLC
- (2) Elaine Rosen
- (3) Mary Epstein Family Trust
- (4) Joel N. Sable and Mary Epstein, Trustees
- (5) Susan Ungar
- (6) Mark Epstein Trust f/b/o Maximus Epstein

Executed in Hartford, Connecticut, on the 13<sup>th</sup> day of March, 2020.

By: \_\_\_\_\_

  
Seth Epstein, Manager

Subscribed and sworn to before me this 13<sup>th</sup> day of March, 2020.

  
\_\_\_\_\_  
Commissioner of the Superior Court

~~Notary Public~~

My Commission Expires \_\_\_\_\_



## **EXHIBIT E**

### **DESCRIPTION OF PROPOSED USE**

The application requests a Modification to Special Development District No. 3 for property at 1126-1148 New Britain Avenue to allow the conversion/expansion of approximately 5810 square feet of existing retail and vacant space to service/retail use.

No noise, vibration, radiation, odor or dust, smoke, gas fumes or other atmospheric pollution is expected to be produced from the operation and maintenance of the building other than are customarily generated from such use.

## **EXHIBIT F**

### **Sewer Adequacy Letter**

[To Be Supplied]

**EXHIBIT G**

**PARKING REPORT**